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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Eric P. ORGERON, et al. DATE: December 1, 2003
SERIAL NO.: 09/779,169 GROUP ART UNIT: 3643
FILED: 8 February 2001 EXAMINER: Susan L. Piascik
FOR: "Fishing Lure"

ATTORNEY DOCKET NO.: A99274US (98062.3)

POST RULE 116 RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This is a response to the Office Action dated 30 July 2003. A shortened statutory period was set to expire three months from the date of the Office Action, making a response due by 30 October 2003. A one-month extension of time accompanies this Response, extending the deadline to 30 November 2003.

REMARKS

Claims 18-24, 26, 27, and 31-34 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Brokaw.

Brokaw's design with a tubular member extending angularly upward and outward from the middle portion of the lure body towards the head section of said body which would create about a 20° incline passage way that would place the line entrance port of said tube at the farthest forward point in the lure body predisposing his design to hang in a vertical position in the water, thereby negating the lure's ability to mimic the natural position of live bait which is generally in a horizontal position. Although Brokaw teaches a body comprising an opening forward of the tail and generally between the head and tail his design does not anticipate that a weighted tubular member placed in a vertical position in the head section of the lure body provides an effective counter balancing mechanism that offsets the weight that is applied to the